

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

CRP.No. 2627 of 2002(C)

AGAINST THE ORDER DATED 08/08/2002 IN EP. 289 /2000 IN
OS.320/1998 of MUNSIF COURT, CHITTUR
.....

REVN. PETITIONER: J.D.NO.2:

KAMALAM, W/O. VELU,
ATHIKUZHY, CHITTUR VILLAGE,
PALAKKAD TALUK.

BY ADV. SRI.SAJAN VARGHEESE K.
SRI.JEBY JACOB

RESPONDENTS: D.H. & J.D.NO.1:

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1. K. MOHANAN, S/O. KRISHNAN,
KANAKKANPARA, KUTTIPALLAM VILLAGE,
CHITTUR TALUK, PALAKKAD DISTRICT.
 2. VIPIN @ KUPPUSWAMY, S/O. VELU,
ATHIKUZHY, CHITTUR VILLAGE & TALUK,
PALAKKAD DISTRICT.(R2 IS DELETED FROM THE PARTY ARRAY AS
PER ORDER DATED 13/6/2007 IN CRP.)

BY ADV. SRI.P.VIJAYA BHANU FOR R1
SRI.M.GEORGE THOMAS

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 06/07/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

ORDER ON C.M.P.NO.6610/2002 IN C.R.P.2627 OF 2002

DISMISSED. SD/- M.N.KRISHNAN, JUDGE DT 6/7/2007

M.N.KRISHNAN, J

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C.R.P. No. 2627 OF 2002

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Dated this the 6th day of July, 2007

ORDER

This revision petition is preferred against the order of the Munsiff's Court, Chittur in E.P.No.289 of 2000 in O.S.No.320 of 1998. When the residential house belonging to the 2nd respondent was attempted to be put in auction, she raised a contention that she is a labourer/domestic servant entitled to the benefit under Section 60(c) of the Code of Civil Procedure. As per the amended C.P.C. of 1977, houses and other buildings belonging to an agriculturist or a labourer or a domestic servant and occupied by him is exempted from attachment.

2. I have perused the evidence of the decree holder as PW1. He had categorically stated in the chief examination itself “..... It satisfies the ingredients of a domestic servant. Further in cross examination also she has reiterated it and therefore it is not a mistaken fact. So when there is sufficient evidence to show that she is a domestic servant as well, she is entitled to protection under Section 60(c) of the C.P.C. and therefore the order passed by the

CRP 2627/2002

-:2:-

learned Munsiff suffers from infirmity and it is liable to be set aside.

Therefore C.R.P. is allowed.

M.N.KRISHNAN, JUDGE

Cdp/-